

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/977,052	11/25/97	ANDRIEU	X Q48537

IM22/1010
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EXAMINER

MAPLES, J

ART UNIT

PAPER NUMBER

1745

DATE MAILED:

10/10/00

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/977,052	Amriien Et Al
Examiner JOHN S. MARLES	Group Art Unit 1745

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 6/21/00.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 22-43 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) 24-26, 28-32, 40-43 is/are allowed.
- Claim(s) 22, 23, 27, 33-39 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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1. Claims 27 and 33-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 27, 33, 34, 35, 38 and 39, the Markush terminology requires revision so that the same reads --selected from the group-- (underlining added). Also, in claim 35, the words --the group consisting of-- should be placed after "from" in line 4 of claim 35 to render the same complete.

Claims 36 and 37, dependent on claims 33 and 36, respectively, fall therewith.

In lines 3-4 of claim 33, the expression "a polyolefin such as polyethylene (PE)" is indefinite because it is not known whether or not this is the only polyolefin desired or whether others are included.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Dasgupta et al. USP 5,437,692 (Dasgupta)

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Reference is made to the Abstract of Dasgupta along with column 5, line 39 through column 6, line 32; column 8, line 63 through column 9, line 8 and Example 2.

Applicant's arguments have all been considered but are not persuasive. Applicant argues that the claimed invention involves a process where the two electrodes are in mating contact with one another. This is not possible because the same would not function as a battery but would instead short out.

A further argument by applicant is that in Dasgupta, the same does not teach applying an adhesive onto a face of one of the electrodes and subsequently bringing the free faces of the electrodes in contact with one another. The examiner respectfully disagrees. See column 8, line 63 through column 9, line 8 of Dasgupta for the disclosure of these process steps.

Applicant continues to assert that Dasgupta does not disclose joining the two electrodes directly together. Again, this is not possible because the resultant product would not produce electricity. In Dasgupta, an electrolyte is present on at least one of the electrodes so that when the other electrode is brought in contact therewith, a complete working battery results. This language and disclosure of Dasgupta anticipates the claimed subject matter.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is (703) 308-

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1795. The examiner can normally be reached on Monday-Friday from 6:30 to 4:00. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's temporary supervisor, Carol Chaney, can be reached on (703) 305-3777. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JSM/October 10, 2000

John S. Maples
JOHN S. MAPLES
PRIMARY EXAMINER
GROUP 1745